IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4678 OF 2005
ALONGWITH
CRIMINAL APPLICATION NO. 4679 OF 2005

Shri. Rahul Prakash Utpat ...Applicant

Versus

The State of Maharashtra & Anr ...Respondents

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Mr. P.B. Shaligram i/b Mr. Sanjay Rairikar, Advocate for Applicant.

Ms. S.V. Gajare, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 23RD AUGUST, 2005

P. C.:-

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant has prayed for quashing of process issued against him in Complaint Nos. STC 10112/2004 and STC 10113/2004 which are pending in the Court of learned J.M.F.C. Court No.2, Solapur. In the said case, process has been issued against the applicant under Section 138 of negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of

2005 and order dated 21st June, 2005 passed in Criminal Application No. 550 of 2005, the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. The learned advocate for the applicant states that the necessary revision would be preferred within a period of four weeks from today. I am informed that the next date before the trial Court is 15.9.2005. Hence, it is directed that the trial Court shall not proceed in the said case on 15.9.2005 and for a week thereafter.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Applications are disposed of.

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